

In The Court Of Appeal Of The State Of California 12  
Sixth Appellate District  
San Jose, California

MONDAY, JANUARY 24, 2000

H019376 LOMBARDI, et al. v. FERREIRA, et al.

The judgment is reversed and the matter is remanded to the trial court for further proceedings consistent with this opinion. Appellants shall recover costs on appeal. (not published)

(Cottle, P.J.; We concur: Premo, J., Elia, J.)

Filed January 24, 2000

H020269 PEOPLE v. ADAMS

The judgment is affirmed. (not published)

(Mihara, J.; We concur: Cottle, P.J., Elia, J.)

Filed January 24, 2000

TUESDAY, JANUARY 25, 2000

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P. J.; Wunderlich, J.; Mihara, J.; and Jane F. Varize, Deputy Clerk.

H019138 DIGIOVANNI v. DIGIOVANNI

Cause called and argued by Bradford Baugh appearing for appellant and by Russell J. Hanlon appearing for respondent. Cause ordered submitted.

H017999 SPARKS v. SWARTHOUT, et al.

Cause called and argued by Jill A. Fordyce appearing for appellant and by Robert E. Camors, Jr. appearing for respondents. Cause ordered submitted.

H018877 CANNON, et al. v. CITY OF SANTA CRUZ

Cause called and argued by Louis D. Silver appearing for appellants and by John A. Shupe appearing for respondent. Cause ordered submitted.

In The Court Of Appeal Of The State Of California 13  
Sixth Appellate District  
San Jose, California

Tuesday, January 25, 2000 (continued)

H018104 COSTA v. GONZALEZ

Cause called and argued by appellant appearing in propria persona and by John S. Yohanan appearing for respondent. Cause ordered submitted.

H018498 MADSEN, et al. v. DOUGLAS

Cause called and argued by Robert K. Johnson appearing for appellant and by Robert E. Bosso appearing for respondent. Cause ordered submitted.

Court recesses until 1:30 p.m.

The Court reconvened at 1:30 p.m in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P. J.; Wunderlich, J.; Mihara, J.; and Judy Son, Deputy Clerk.

H018231 PEOPLE v. PHAM

Cause called and argued by John Doyle appearing for appellant and by Susan Lee, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H019254 FREDMAN v. GOOD SAMARITAN HOSPITAL, et al.

Cause called and argued by James Smith appearing for appellant and by Tyler G. Draa appearing for respondents. Cause ordered submitted.

H019813 FIRST AMERICA AUTOMOTIVE, INC. v. SWEENEY;

LABOR COMMISSIONER OF THE STATE OF CALIFORNIA

Cause called and argued by John P. Boggs appearing for appellant and by Miles E. Locker appearing for intervenor. Cause ordered submitted.

In The Court Of Appeal Of The State Of California 14  
Sixth Appellate District  
San Jose, California

Tuesday, January 25, 2000 (continued)

H018266 BURROUGHS, et al. v. PRECISION AIRMOTIVE CORP.

Cause called and argued by Gerald Clausen appearing for appellants and by James W. Hunt appearing for respondent and by Frederick Schafrick appearing for amicus curiae GAMA. Cause ordered submitted. Court is adjourned.

WEDNESDAY, JANUARY 26, 2000

H020040 PEOPLE v NASON

The judgment is affirmed. (not published)  
(Wunderlich, J.; We concur: Premo, Acting P.J., Bamattre-Manoukian, J.)  
Filed January 26, 2000

H018331 OSWALD, et al. v. HARRA, et al.

The order granting a new trial is reversed. Because plaintiffs "failed to file a protective cross-appeal, reinstatement of the judgment will automatically be final." (*Sanchez-Corea v. Bank of America, supra*, 38 Cal.3d at p. 910; see also 9 Witkin, Cal. Proc. (4<sup>th</sup> ed. 1997) § 484, p. 530.) Defendants' cross-complaint against plaintiffs, which was filed after the order granting a new trial, shall be dismissed. Defendants are to recover costs on appeal. (not published) (Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)  
Filed January 26, 2000

H019137 PEOPLE v MENDEZ

The judgment is affirmed. (not published)  
(Cottle, P.J.; We concur: Premo, J., Elia, J.)  
Filed January 26, 2000

H019649 PEOPLE v JIMINEZ

The judgment is affirmed. (not published)  
(Cottle, P.J.; We concur: Premo, J., Elia, J.)  
Filed January 26, 2000

In The Court Of Appeal Of The State Of California      15  
Sixth Appellate District  
San Jose, California

Wednesday, January 26, 2000 (continued)

H018155    PEOPLE v. CRUZ

          The judgment is affirmed. (not published)  
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J.,  
Wunderlich, J.)  
Filed January 26, 2000

H018951    KATZ v KATZ

          The order is reversed. The matter is remanded for  
further proceedings consistent with this opinion. The parties  
shall bear their respective costs on appeal. (not published)  
(Cottle, P.J.; We concur: Premo, J., Elia, J.)  
Filed January 26, 2000

H018214    COHEN v. MARKS, et al.; HIGHLANDS INSURANCE CO.

          The judgment is reversed and the matter is remanded for  
disposition of the remaining issues. Appellant shall recover his  
costs on appeal. (not published)  
(Cottle, P.J.; We concur: Premo, J., Elia, J.)  
Filed January 26, 2000

H018656    PEOPLE v. FERREIRA

          The judgment is affirmed. (not published)  
(Cottle, P.J.; We concur: Premo, J., Elia, J.)  
Filed January 26, 2000

H019827    PEOPLE v. WHALEY

          The judgment is affirmed. (not published)  
(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J.,  
Mihara, J.)  
Filed January 26, 2000

In The Court Of Appeal Of The State Of California 16  
Sixth Appellate District  
San Jose, California

THURSDAY, JANUARY 27, 2000

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P. J.; Wunderlich, J.; Mihara, J.; and W. Magsaysay, Deputy Clerk.

H017519 PEOPLE v. THOMPSON

Cause called and argued by Arthur Dudley appearing for appellant and by Martin S. Kaye, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H019062 PEOPLE v. MARKEY

Cause called and argued by Kimberly V. Fitzgerald appearing for appellant and by Christopher W. Grove, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H016750 MARRIAGE OF SHOCKLEY

H017210 MARRIAGE OF SHOCKLEY

H017286 MARRIAGE OF SHOCKLEY

Matters are called and argued by Craig J. Bassett appearing for appellants John Shockley, et al., and by David Kraft appearing for appellant Geraldine Shockley. Causes are ordered submitted.

H019084 DVP TECHDOC v. FRADIN; MILLER, et al.

Cause called and argued by Robert M. Vantress appearing for appellant and by William Siamas appearing for respondents. Cause ordered submitted.

Court recesses until 1:30 p.m.

In The Court Of Appeal Of The State Of California 17  
Sixth Appellate District  
San Jose, California

Thursday, January 27, 2000 (continued)

The Court reconvened at 1:30 p.m in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P. J.; Wunderlich, J.; Mihara, J.; and W. Magsaysay, Deputy Clerk.

H018449 PEOPLE v. ESPINOSA

Cause called and argued by Lance Russell appearing for Shelley Russell as counsel for appellant and by Joan Killeen, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H019243 PEOPLE v. TRAN

Cause called and argued by Alfons Wagner appearing for appellant and by Bridget Billeter, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H015636 PEOPLE v. BROWN

Cause called and argued by Richard J. Ingram appearing for appellant and by Linda M. Murphy, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H018936 JESSE MARTIN, a Minor, etc., v. SCHRADER, et al.

Cause called and argued by Rick Simons appearing for appellant and by Janet Kulig appearing for respondents. Cause ordered submitted. Court is adjourned.

H019568 PEOPLE v. JOSE H.

The true finding as to Count IV, a violation of Penal Code section 243.2 (misdemeanor battery on school grounds), is stricken. The juvenile court order of jurisdiction is otherwise affirmed. The disposition order of January 5, 1999 is reversed. The matter is remanded for a new disposition order. (published) (Elia, J.; We concur: Cottle, P.J., Premo, J.)  
Filed January 27, 2000

In The Court Of Appeal Of The State Of California      18  
Sixth Appellate District  
San Jose, California

Thursday, January 27, 2000 (continued)

HO18674    PEOPLE v. GOMEZ

The judgment is vacated and the matter is remanded for resentencing. (not published)  
(Elia, J.; We concur: Cottle, P.J., Premo, J.)  
Filed January 27, 2000

HO19165    PEOPLE v. WILLIAM Q., A minor

The juvenile court's dispositional order is hereby modified in the following particulars: (1) the words "Your associates are to be approved by your Probation Officer and your parent(s)/guardian" shall be replaced with "Your associates are to be approved by your parent(s)/guardian, and you shall not associate with anyone identified by your Probation Officer as a threat to your successful reformation and rehabilitation," (2) the words "You shall not possess, wear, use or display any item prohibited by the Probation Officer including, but not limited to, any insignia, emblem, button, badge, cap, hat, scarf, bandanna or any article of clothing, hand sign or paraphernalia associated with membership or affiliation with a gang" shall be replaced with "You shall not possess, wear, use or display any insignia, emblem, button, badge, cap, hat, scarf, bandanna or any article of clothing, hand sign or paraphernalia known by you to be associated with membership or affiliation with a gang or any item identified by your Probation Officer as posing a threat to your successful reformation and rehabilitation," (3) the words "You are not to associate with any member of any gang as directed by your Probation Officer" shall be modified to read "You are not to associate with any person known by you to be a member of any gang as directed by your Probation Officer" and (4) the definition of a "gang" contained in Penal Code section 186.22, subdivision (f) is hereby incorporated into appellant's probation conditions. As modified, the court's order is affirmed. (not published)  
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Wunderlich, J.)  
Filed January 27, 2000

In The Court Of Appeal Of The State Of California 19  
Sixth Appellate District  
San Jose, California

FRIDAY, JANUARY 28, 2000

H018933 PEOPLE v. SOUL

The judgment is affirmed. (not published)  
(Elia, J.; We concur: Cottle, P.J., Premo, J.)  
Filed January 28, 2000

H018245 PEOPLE v. CRANKE

The second degree murder conviction is reversed. The  
assault conviction is affirmed. (not published)  
(Mihara, J.; I concur: Wunderlich, J. Dissenting opinion by  
Bamattre-Manoukian, Acting P.J.)  
Filed January 28, 2000

H019077 GREENLAW v. SMITH, III; COUNTY OF SANTA CLARA

By the Court\*:

Appellant's petition for rehearing is denied.  
Dated January 28, 2000 Cottle, P.J.  
\*Before Cottle, P.J., Premo, J., and Elia, J.

H020247 IN RE GRANT W., A MINOR

The judgment is affirmed. (not published)  
(Mihara, J.; We concur: Cottle, P.J., Elia, J.)  
Filed January 28, 2000